

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	3:09-CR-210-B
	§	
JESSE WILLIAM MCGRAW,	§	ECF
Defendant.	§	

ORDER ON THE DEFENDANT'S COMPETENCY TO STAND TRIAL

This Court previously ordered the Defendant, Jesse William McGraw (McGraw), remanded to the custody of the United States Attorney General for a mental evaluation pursuant to 18 U.S.C. §§ 4241(a) and (b) and §§ 4247(b) and (c) for preparation of a report regarding his mental competency to proceed with sentencing. The Court further directed that report include the following information:

- 1) Defendant's history and present symptoms;
- 2) a description of the psychiatric, psychological, and medical tests and treatments that were employed and their results;
- 3) the examiner's findings;
- 4) the examiner's opinions as to diagnosis and prognosis;
- and
- 5) whether Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or assist in his defense.


See 18 U.S.C. § 4247(c).

Having received the report, in which Forensic Psychologist David E. Morrow, opines that McGraw is competent to proceed with sentencing, the Court scheduled an evidentiary hearing pursuant to 18 U.S.C. § 4247(d). On December 16, 2010 the evidentiary hearing was held at which the Defendant was represented by counsel. Both the Defendant, through counsel, and the

Government's counsel indicated on the record that they had reviewed the report and agreed with its determination that the Defendant was competent. The Court, having also reviewed the report, finds that it comports with the Court's directive as to its contents. The Court further finds, based on the report, and the statements of counsel for both sides as well as McGraw himself, that the Defendant is competent to proceed with sentencing. The Court, in addition to the foregoing reasons, incorporates its statements on the record at the hearing in support of its determination that the Defendant is competent to proceed with sentencing.

SO ORDERED.

SIGNED on the 20th day of December, 2010


JANE J. BOYLE
UNITED STATES DISTRICT JUDGE